

4.21 Checklist for Felony Arraignments in District Court

Date: _____ Offense: _____
Case No. _____ Statute: _____
Defendant: _____ Min. Penalty: _____
Defense Atty: _____ Max. Penalty: _____

1. ☐ Identify case number and parties for the record.
 2. ☐ Read the warrant/complaint into the record.
 3. ☐ Advise defendant of the nature of the charged offense, the maximum possible prison sentence for conviction of the offense, and any mandatory minimum sentence required by law.
 4. ☐ If defendant is not represented by counsel, advise defendant of the following:
 - a. ☐ the right to the assistance of an attorney at arraignment and at all subsequent proceedings.
 - b. ☐ the right to remain silent.
 - c. ☐ that anything defendant says orally or in writing can be used against him or her in court.
 - d. ☐ that defendant is entitled to have an attorney present during any questioning to which he or she consents.
 - e. ☐ that if defendant is indigent, the court will appoint an attorney to represent defendant at arraignment and at all subsequent proceedings.
 5. ☐ Advise defendant of his or her right to a preliminary examination.
 6. ☐ Unless defendant waives a preliminary examination, schedule the exam for a date within 14 days of arraignment and inform defendant of the date.
 7. ☐ If defendant waives a preliminary examination, the court must determine that the waiver is given freely, understandingly, and voluntarily before accepting it.
 8. ☐ Advise defendant of the right to be released on bond if applicable.
 9. ☐ Determine whether pretrial release is appropriate and whether any conditions should be imposed on defendant's pretrial release.
 10. ☐ Confirm that defendant has been fingerprinted as required by law.
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A verbatim record must be made of felony arraignments in district court.

The court may not question defendant about the alleged crime or request that defendant enter a plea to the charged offense.

4.22 Checklist for Juvenile Arraignments in District Court

Date: _____

Offense: _____

Case No. _____

Statute: _____

Defendant: _____

Min. Penalty: _____

Defense Atty: _____

Max. Penalty: _____

1. ☐ Determine whether a parent, guardian, or adult relative of the juvenile is present. Arraignment may be conducted without the presence of a parent, guardian, or adult relative provided the magistrate appoints an attorney to appear at arraignment with the juvenile or an attorney has been retained and appears with the juvenile.
2. ☐ Read the warrant/complaint into the record. A verbatim record must be made of felony arraignments in district court.
3. ☐ Advise the juvenile of the maximum penalty and any mandatory minimum sentence for each charged offense. Advise the juvenile whether imposition of an adult sentence is required if the juvenile is convicted of the offense.
4. ☐ If the juvenile is without counsel, advise the juvenile that:
 - a. ☐ he or she has the right to the assistance of an attorney at arraignment and at all subsequent proceedings.
 - b. ☐ he or she has the right to remain silent.
 - c. ☐ anything the juvenile says orally or in writing can be used against him or her in court.
 - d. ☐ he or she is entitled to have an attorney present during any questioning to which he or she consents.
 - e. ☐ if the juvenile is indigent, the court will appoint an attorney to represent him or her at arraignment and at all subsequent proceedings.
5. ☐ A juvenile may waive his or her right to counsel if:
 - a. ☐ an attorney is appointed to give the juvenile advice about the waiver of counsel.
 - b. ☐ the magistrate or court finds that the juvenile is literate and competent to conduct a defense.
 - c. ☐ the magistrate or court advises the juvenile of the dangers and disadvantages of self-representation.
 - d. ☐ the magistrate or court finds on the record that the waiver is voluntarily and understandingly made.
 - e. ☐ the court appoints standby counsel to assist the juvenile at trial and at his or her sentencing.
6. ☐ Inform the juvenile of his or her right to have a preliminary examination scheduled within 14 days.

7. ☐ A juvenile may waive the right to a preliminary examination if:
 - a. ☐ the juvenile is represented by an attorney, and
 - b. ☐ the juvenile signs a written waiver in open court, and
 - c. ☐ the court determines on the record that the juvenile's waiver is freely, understandingly, and voluntarily given.
8. ☐ Unless waived, the juvenile's preliminary examination must be scheduled within 14 days of the juvenile's arraignment, less the time given and used by the prosecuting attorney pursuant to the special adjournment provision of MCR 3.935(A).
9. ☐ Unless detention without bail is allowed, advise the juvenile of the right to be released on bond. The magistrate or court may order the juvenile released to a parent or guardian, and the court may imposed any lawful condition on the juvenile's release, including the requirement that bail be posted.
10. ☐ If the proof is evident or if the presumption is great that the juvenile committed the offense, the magistrate or the court may deny bail to a juvenile charged with:
 - a. ☐ first- or second-degree murder, or
 - b. ☐ first-degree criminal sexual conduct or armed robbery if the juvenile is likely to flee or clearly presents a danger to others.
11. ☐ If the juvenile is denied release, determine where the juvenile will be lodged while awaiting his or her preliminary examination and/or trial.
 - a. ☐ unless a juvenile's conduct is a menace to other juveniles or the juvenile cannot safely be housed in a juvenile facility, a juvenile charged with a crime and denied bail must be placed in a juvenile facility. If a juvenile is lodged in a facility for adult offenders, the juvenile must be maintained separately from the adults.
 - b. ☐ a juvenile may not be placed in an institution operated by the family division of the circuit court unless the family division consents to the placement or the circuit court orders the placement.
12. ☐ Confirm that defendant has been fingerprinted as required by law.